

SECOND DIVISION

[G.R. NOS. 143013-14, December 18, 2000]

**TELEFUNKEN SEMICONDUCTORS EMPLOYEES UNION-FFW AND
INDIVIDUAL UNION MEMBERS DANILO G. MADARA AND ROMEO
L. MANAYAO, PETITIONERS, VS., THE COURT OF APPEALS, HON.
BIENVENIDO LAGUESMA, AS SECRETARY OF LABOR AND
EMPLOYMENT, AND TEMIC TELEFUNKEN MICROELECTRONICS,
(PHILS.), INC., RESPONDENTS.**

D E C I S I O N

DE LEON, JR., J.:

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking the reversal of the Decision^[1] of the Court of Appeals dated December 23, 1999 in CA-G.R. SP Nos. 54227 and 54665 and its Resolution^[2] dated April 19, 2000, denying herein petitioners' motion for reconsideration.

The assailed Decision of respondent Court of Appeals granted the petition of private respondent TEMIC TELEFUNKEN MICROELECTRONICS, (Phils.), INC., (Company, for brevity) in CA-G.R. SP No. 54227 reversing and setting aside the Secretary of Labor's: (1) Decision dated May 28, 1999; and (2) Resolution dated July 16, 1999, insofar as the Company was directed to pay backwages and grant financial assistance to the striking workers.

In CA-G.R. SP No. 54665, on the other hand, the petition of TELEFUNKEN SEMICONDUCTORS EMPLOYEES UNION-FFW (Union, for brevity) and individual union members DANILO G. MADARA and ROMEO L. MANAYAO was dismissed on a finding that the Secretary of Labor did not abuse his discretion nor acted in excess of his jurisdiction when he declared illegal the strike staged by the Union, its officers and members on September 14, 1995, and that as a result thereof, those who participated therein have lost their employment status.

The petition is not meritorious, and the same should be as it is hereby dismissed.

The facts as borne by the records are as follows:

The labor dispute started on August 25, 1995 when the Company and the Union reached a deadlock in their negotiations for a new collective bargaining agreement. On August 28, 1995, the Union filed a Notice of Strike with the National Conciliation and Mediation Board (NCMB).

On September 8, 1995,^[3] the then Acting Secretary of the Department of Labor and Employment, Jose S. Brillantes, intervened and assumed jurisdiction over the dispute pursuant to Art. 263, par. (g),^[4] of the Labor Code, as amended. Thus, the

Order^[5] of the said Acting Secretary of Labor enjoined any strike or lockout, whether actual or intended, between the parties. His Notice of the Assumption Order^[6] was personally served on the representatives of the Company, namely, on Atty. Allan Montaño, counsel of the Union-FFW, on September 9, 1995 at 1:25 p.m. and twice on Ms. Liza Dimaano, Union President, first on September 8, 1995 at 7:15 p.m. and again on September 11, 1995 at 9:30 a.m. but both union representatives refused to acknowledge receipt thereof.

Despite the assumption Order, the Union struck on September 14, 1995. Two (2) days later, the Acting Secretary of Labor issued an Order^[7] directing the striking workers to return to work within twenty-four (24) hours and for the Company to admit them back to work under the terms and conditions prevailing prior to the strike. Notice^[8] of the Return-to-Work Order^[9] dated September 16, 1995 of the Acting Secretary of Labor was sent to the striking Union members but still some of them refused to heed the order and continued with their picket. The Federation of Free Workers (FFW) received and acknowledged receipt of the said Return to Work Order on September 18, 1995. On September 23, 1995, violence erupted in the picket lines. The service bus ferrying non-striking workers was stoned, causing injuries to its passengers. Thereafter, complaints for threats, defamation, illegal detention and physical injuries were filed against the strikers.

On October 2, 1995, the Company issued letters of termination for cause to the workers who did not report back to work despite the Notice of Assumption and Return-to-Work Orders issued by the Acting Secretary Jose S. Brillantes of the Department of Labor and Employment (DOLE).

On October 27, 1995, the Acting Secretary of Labor issued another Order^[10] directing the Company to reinstate all striking workers "except the Union Officers, shop stewards, and those with pending criminal charges, x x x" while the resolution of the legality of the strike was pending. This exclusion Order was reaffirmed with some modifications in an Order^[11] dated November 24, 1995.

On December 5, 1995, the Union filed with this Court a petition for certiorari, docketed as G.R. No. 122743, questioning the exclusions made in the aforesaid Orders.

On June 27, 1996, while the said petition in G.R. No. 122743 was pending, then Secretary of Labor Leonardo A. Quisumbing issued a Writ of Execution^[12] for the physical reinstatement of the remaining striking workers who were not reinstated as contained in the thirty-two (32) page list^[13] attached to the aforesaid writ.

Accordingly, on July 3, 1996, the Company filed a Motion to Quash, Recall or Suspend the Writ of Execution^[14] issued by Secretary Quisumbing. This motion was denied^[15] by the Department of Labor and Employment (DOLE, for brevity) for lack of merit and, in the same Order, the DOLE directed the issuance of an Alias Writ to enforce the actual and physical reinstatement of the workers, or in case the same was not feasible, to effect payroll reinstatement. On November 21, 1996, the Company's motion for reconsideration was also denied.^[16]

On December 9, 1996, the Company filed with this Court a petition for *certiorari*,

docketed as G.R. No. 127215, questioning the denial of its motion for reconsideration and the Alias Writ issued by the DOLE to enforce the actual and physical reinstatement or the payroll reinstatement of the workers (including the Original Writ of Execution of June 27, 1996).

After we consolidated^[17] the petitions for *certiorari* of the Company and the Union in G.R. Nos. 122743 and 127215, respectively, we rendered a Decision therein on December 12, 1997. The Company's petition for *certiorari* in G.R. No. 127215 was dismissed for lack of merit. In G.R. No. 122743, we granted the Union's petition and ordered the reinstatement of all striking workers without exception. We also directed the Secretary of Labor and Employment to determine with dispatch the legality of the strike as well as the liability of the individual strikers, if any.

After receipt of our said Decision in G.R. Nos. 122743 and 127215, the DOLE issued an Alias Writ of Execution on August 26, 1998. Thereafter, the Company moved to quash the Alias Writ which was, however, denied^[18] by the DOLE. The motion for reconsideration filed by the Company was similarly denied.^[19] Aggrieved by the preceding rulings of the DOLE, the Company elevated this case to this Court via another petition for *certiorari* docketed as G.R. No. 135788.

On December 7, 1998, we resolved^[20] to dismiss the said petition in G.R. No. 135788 for (a) failing to state the place of service by registered mail on the adverse party; (b) failing to submit a certification duly executed by the president of the petitioning Company or by its representative which shows its authority to represent and act on behalf of the Company; and (c) for lack of the requisite certificate of non-forum shopping. We denied this petition with finality on our March 15, 1999 Resolution^[21] where we held that the Secretary of Labor did not abuse his discretion in denying the Company's motion to quash the execution of our Decision dated December 12, 1997.

In compliance with our order to the Secretary of Labor and Employment "*to determine with dispatch the legality of the strike,*" marathon hearings were conducted^[22] at the DOLE Office with Atty. Lita V. Aglibut as hearing officer. On September 22, 1998, both the Union and the Company complied with the order to submit their respective position papers. The Company adduced evidence and submitted its case for decision. The Union did not adduce evidence. Instead, the Union manifested that it would file a motion to dismiss for failure of the Company to prove its case with the request that it be allowed to present evidence should its motion be denied.

During the subsequent hearings^[23] conducted by the hearing officer of DOLE, the Union insisted that a ruling should first be made on the Demurrer to Evidence it previously filed notwithstanding repeated reminders by the Hearing Officer that the technical rules of evidence and procedure do not apply to proceedings before DOLE. Thereafter, an exchange of pleadings, reiterating their respective positions, ensued between the Company and the Union.

On May 19, 1999, the Union filed a motion before the DOLE praying for the issuance of another Alias Writ of Execution in connection with our March 15, 1999 Resolution in G.R. No. 135788. The Union contended that this Resolution has declared the

dismissals of the striking workers as illegal and therefore a writ should be issued for the physical reinstatement of the workers with full backwages and other benefits reckoned from June 27, 1996.

On May 28, 1999, the Secretary of Labor and Employment resolved the matter in a Decision.^[24] The Secretary of Labor declared therein that in hearings and resolutions of labor disputes, before the DOLE, his Office is not governed by the strict and technical rules of evidence and procedure observed in the regular courts of law, and that it will resolve the issues based on the pleadings, the documentary evidence and other records of the case. The dispositive portion of the said Decision dated May 28, 1999 reads:

"WHEREFORE, PREMISED ON THE FOREGOING, this Office hereby:

- a. Declares the strike conducted by the Telefunken Semiconductors Employees Union-FFW on 14 September 1995 as illegal for having been waged in open, willful and knowing defiance of the assumption order dated 8 September 1995 and the subsequent return-to-work order dated 16 September 1995 and consequently, the striking workers are declared to have lost their employment status;
- b. Directs the payment of backwages and other benefits to the striking workers corresponding to the temporary reinstatement periods (1) from 27 June 1996 to 28 October 1996, (2) from 21 November 1998 up to the date of this Decision;
- c. Directs the Telefunken Micro-Electronics (Phils.), Inc. to grant financial assistance equivalent to one (1) month for every year of service to the striking workers conformably with its grant of the same benefit to other strikers as manifested by the Company to the Supreme Court on 20 November 1997.

In this connection, the Bureau of Working Conditions, this Department, is hereby directed to compute the total award herein made and to submit its report of computation to this Office within ten (10) days from receipt of this Decision.

SO ORDERED."^[25]

Dissatisfied, both the Company and the Union together with individual union members Nancy Busa and Arnel Badua, filed motions for reconsideration of the said Decision of the Secretary of Labor. On July 16, 1999,^[26] the Secretary of Labor denied the said motions.

The Company and the Union filed their respective petitions for certiorari docketed as CA-G.R. SP Nos. 54227 and 54665 with the Court of Appeals and these were later on consolidated. On December 23, 1999, the Court of Appeals rendered its now assailed Decision, the dispositive portion of which states:

"WHEREFORE, the COMPANY's Petition in CA-G.R. No. SP 54227 is GRANTED. The Secretary of Labor's Decision dated 28 May 1999 and his Resolution dated 16 July 1999 are REVERSED and SET ASIDE in so far as they direct the company to pay backwages and grant financial assistance

to the striking workers. The said Decision and Resolution are AFFIRMED in all other respects. The Union's Petitions in CA-G.R. SP No. 546654 is DISMISSED.

SO ORDERED."

On January 24, 2000, only the Union sought reconsideration^[27] of the said Decision of the appellate court. However, it was denied for lack of merit by the Court of Appeals on April 19, 2000 in its Resolution.^[28]

In the petition at bench, petitioners Union, Madara and Manayao submits the following assignment of errors, to wit:

THE HONORABLE COURT OF APPEALS ERRED:

I

...IN AFFIRMING THE DECISION OF THE RESPONDENT SECRETARY OF LABOR IN FINDING THE STRIKE STAGE BY THE UNION ILLEGAL WHICH WAS FEEBLY BASED ON THE COMPANY'S POSITION PAPER AND THE MATERIALS AND PICTORIALS ATTACHED THERETO WHICH ARE BEREFT OF PROBATIVE VALUE BECAUSE THEY ARE PATENTLY INADMISSIBLE AND INCOMPETENT.

II

....IN SUSTAINING THE RESPONDENT SECRETARY'S DECISION EFFECTING THE WHOLESALE TERMINATION OF EMPLOYMENT OF THE STRIKING TEMIC WORKERS WITHOUT ANY DETERMINATION OF THEIR INDIVIDUAL LIABILITY, IF ANY, AS ORDERED BY THE HONORABLE SUPREME COURT, IN THE ABSENCE OF ANY ILLEGAL ACTS COMMITTED BY THE STRIKERS ATTENDANT TO THE STRIKE.

III

....IN RULING THAT "THE SOLE OFFICE OF THE WRIT OF CERTIORARI IS THE CORRECTION OF ERRORS OF JURISDICTION INCLUDING THE COMMISSION OF ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION," DOES NOT INCLUDE CORRECTION OF HEREIN PUBLIC RESPONDENT SECRETARY OF LABOR'S EVALUATION OF THE EVIDENCE AND FACTUAL FINDINGS THEREON.

IV

....IN RULING IN A MANNER ABSOLUTE "THAT TECHNICAL RULES OF EVIDENCE PREVAILING IN THE COURTS OF LAW AND EQUITY HAVE NO ROOM IN ADMINISTRATIVE AND/OR QUASI-JUDICIAL PROCEEDINGS."

V

....IN UPHOLDING THE RESPONDENT SECRETARY OF LABOR'S RULING THAT THE NON-APPLICATION OF TECHNICAL RULES OF PROCEDURE IN